IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12780 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MUKTIBEN JAYANTILAL PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 12780 of 2004

MR SHITAL R PATEL for Petitioner No. 1

MR JITENDRA MALKAN for Respondent No. 1

DS AFF.NOT FILED (R) for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 08/10/2004

ORAL JUDGEMENT

1. Rule. Mr.Jitendra Malkan, learned Additional

Central Government Standing Counsel, waives service of rule on behalf of the respondent. By consent of the parties, the petition is heard finally today.

2. The grievance of the petitioner is that she has applied for passport before the respondent-authority but the respondent authority has refused to accept the application on the ground that the date of birth mentioned in the school leaving certificate does not match with the date of birth noted in the birth certificate. According to the petitioner in the school leaving certificate, due to inadvertent mistake, her date of birth is mentioned as 23.11.1984 instead of 23.09.1984 which is her correct date of birth as mentioned in her birth certificate issued by the competent authority. The petitioner has stated that her correct date of birth is 23.09.1984 which is mentioned in the birth certificate and the same is required to be accepted by the respondent authority. She further submitted that it is only because of inadvertent mistake, the said date has been wrongly mentioned in the school leaving certificate.

3. In view of the averments made in the petition I am of the opinion that the birth certificate issued by the Municipal authority can be considered as proof of the date of birth, and therefore, there should not be any difficulty in accepting the application of the petitioner. Moreover, the respondent authority can also accept and consider other relevant evidence,if any, in support of proof of her date of birth which may be supplied by the petitioner along with the application for passport.

4. Considering the submissions made on behalf of the parties, I dispose of this petition by directing the passport authority to accept the application of the petitioner along with the relevant documents and to consider the application for issuance of passport in accordance with law within a period of three weeks from the date of receipt of writ of this Court.

5. As the respondent authority had to appear in the matter because of the mistake occurred on the part of the petitioner at the relevant point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

6. With the above observations and directions, the petition stands disposed of. Rule is made absolute to the above extent. Direct Service is permitted.

[K.S. JHAVERI, J.]

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